

Message

---

**From:** ALFRED STANLEY Culpepper [stanley@uga.edu]  
**Sent:** 9/30/2020 5:11:25 PM  
**To:** Keigwin, Richard [Keigwin.Richard@epa.gov]  
**Subject:** Fw: SOCC update  
**Attachments:** Congressional Hearing Testimony.pdf

---

**From:** Steve Smith <:ssmith@REDGOLD.com>  
**Sent:** Wednesday, September 30, 2020 11:21 AM  
**Subject:** SOCC update

[EXTERNAL SENDER - PROCEED CAUTIOUSLY]

Good morning,

Many times in life we tend to place "markers" to be able to look back and see where we've come from. Today marks one of those occasions where it is appropriate to reminisce about the events and dynamics concerning the introduction of dicamba tolerant soybeans and cotton. It is the 10-year anniversary of being invited to provide Congressional Testimony to the Domestic Policy Subcommittee chaired by Congressman Dennis Kucinich about the upcoming introduction of a new technology that much of the agricultural world was very excited about. Resistant weeds had become and were becoming a serious issue and the idea of a new control mechanism was met with enthusiasm...except from those whose livelihoods would ultimately be negatively affected. Specialty crop producers, organic producers, vineyards, orchards, nurseries and non-GMO crop producers were beginning to realize the threat that was imminent with this new technology.

At the time, I was serving as a member of the Monsanto Dicamba Advisory Council to provide input about the upcoming release to help avoid preventable mistakes. During those meetings the warnings of pending problems were voiced at every opportunity but as it turned out, largely ignored. Seeing the direction that was likely to happen as early as 2012, as expressed at that time, it was quite apparent that further outreach to sound an alarm was necessary. This led to the creation of the Save Our Crops Coalition in December of 2011, a group of like-minded individuals and groups who were at risk from damage the widespread use of dicamba would unleash.

I've attached a copy of the entire hearing testimony but would like to include some of the major points expressed at that time. How did we do?

- I am convinced that in all of my years serving the agricultural industry, **the widespread use of dicamba herbicide possesses the single most serious threat to the future of the specialty crop industry in the Midwest.**
- With no fear of soybean injury, the use of dicamba on corn acreage will dramatically increase, raising the overall exposure of sensitive crops to injury.
- In other testimony offered, you may hear that new formulations of dicamba will reduce the risk of volatilization.
- We believe those claims to be overly optimistic (referring to claims of volatility not being an issue) as the characteristics of this molecule have been well documented for about 50 years, and even the newest formulations are still proven to move off-target.
- Just because we can do something doesn't mean that we should. At one time, the conventional wisdom thought it was a good idea to use lead in paint. The theory of dicamba tolerant technology might appear sound on the surface.
- If dicamba tolerant soybeans are released onto the market place in the Midwest, they will be used and cause harm to our traditional cropping system. Anything that has the potential to cause that type of widespread crop

damage should have intense discussion and oversight. When that occurs, the answer will become abundantly clear. **The widespread use of dicamba is incompatible with Midwestern agriculture.**

- However, the transformation to herbicide applications during the growing season in June and July has put drift prevention at the forefront of concerns to sensitive crop producers of all kinds.
- The risk of off-target movement is not limited to only tomatoes and other fresh market produce. Growers of non-dicamba tolerant soybeans will be at risk.
- Home gardens and landscaping would be extremely vulnerable to off-target movements because of their proximity to the farming areas of the Midwest. In an atmosphere of consumers worried about where their food comes from and worries of residues from all crop protectants in the food supply, damage caused by the off-target movement of dicamba would give all of agriculture a black-eye if home gardens or landscaping were damaged.
- If the risks of off-target movement of dicamba due to volatilization are low and can be effectively controlled through product stewardship and formulations, it only makes sense that those who will profit from the sale of this seed technology and the makers of dicamba should willingly step up to the plate and establish an indemnity fund to cover crop losses and homeowner's claims for damages. If they are unwilling to cover potential losses, is this an admission that the safety of this technology is not as safe as we would be led to believe?
- The introduction of dicamba tolerant soybeans is a classic case of short-sighted enthusiasm over a new technology blinding us to the reality that is sure to come. Increased dicamba usage, made possible through the introduction of dicamba tolerant soybeans, **is poor public policy and should not be allowed.**

Ten years later, what has been the outcome?

A lot of water has passed under the bridge since this testimony was given. The Save Our Crops Coalition filed for an Environmental Impact Study in 2012 that effectively delayed the introduction of the technology for nearly three years. Efforts within the EPA were made several times a year to directly express our concerns. The SOCC reached an agreement with Dow AgroSciences that provided a pathway for the label language about the introduction of the Enlist system that ultimately was the foundation of the changes in label language for all the dicamba products. Foremost among those was the insistence that no application could be made with a sensitive crop downwind from the application site. While modifications to that language has been made through the later iterations of the language, that provision is still a key part of the label restrictions. Testimony was given on multiple occasions to the Arkansas Plant Board to provide support and encouragement for the restrictions they would later place on the use of dicamba products. Direct appeal to the CEO of Monsanto to stop the madness went unheeded and the financial penalties they have suffered are immeasurable at this time because damage continues to occur each year. But it not only involves financial loss for Bayer (formerly Monsanto) but for the thousands of individual farmers who lost income with no compensation and for applicators and insurance providers who have paid millions of dollars in claims for crop losses through the years. And even more recently, much of the early work of the SOCC was used as a foundation for the successful suit and court decision last summer declaring that the registration of dicamba products was to be vacated. Even the initial individual lawsuit concerning the peach farmer in Missouri included SOCC information and direct testimony as a part of the 265 million dollar judgement. Your support through the years have enabled all of this to occur.

Just this week, the head of the EPA was quoted as saying a new decision about the reregistration of dicamba products will be forthcoming soon. It seems like no matter the evidence, no matter the court decisions, no matter the damages and no matter the evidence that new resistance is already occurring to dicamba, the push continues and is likely to result in a new registration. As you read through the list of predictions, return to the thoughts of ten years ago and imagine the problems that could have and should have been avoided. The rural acrimony resulting in fights and vandalism, violent shootings, the financial losses, the damage to rural homeowners (of which I was one) the damage to pollinator habitats, the financial cost to state regulatory agencies who have ceased almost all other operations to attend to the reports of crop injury are all the result of a misguided and shortsighted introduction of a technology even the company knew, through released court documents, would result in all of these events.

When the SOCC was started, it was my belief it would be a six month to a year endeavor because we would either win or would lose and life would go on. Being naïve about that thought process would be an understatement as we still find

ourselves engaged in the discussions with EPA as recently as two weeks ago. Let's all hope that there will not be a twenty year anniversary about this subject.

Thanks again for all your encouragement and guidance through these years. The new announcement will be in the news in a short time. Anyone want to be in the predicting business?

***Steve Smith***

Chairman, Save our Crops Coalition

---

**Steve Smith | Senior Director of Agriculture | Red Gold**  
1500 Tomato Country Way | P.O. Box 83 | Elwood, IN 46036  
**Tel** 765.754.7525 x1419 | **Mobile** 765.617.1090 | **Fax** 765.557.3624  
[ssmith@redgold.com](mailto:ssmith@redgold.com) | [www.RedGoldFoods.com](http://www.RedGoldFoods.com)



Confidentiality Note: This e-mail, and any attachment to it, contains privileged and confidential information intended only for the use of the individual or entity named on the e-mail. If the reader of this e-mail is not the intended recipient, you are hereby notified that reading it is strictly prohibited. If you have received this e-mail in error, please immediately return it to the sender and delete it from your system. Thank you.